The outcomes of the talks with Sheffield Council and Amey

The specifics, what it means, and what we all need to do

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The conduct of the talks

- Four days of formal mediated talks
- Chaired by Bishop Pete Wilcox
- Three of the four days with Fiona Colquhoun of the Centre for Effective Dispute Resolution (CEDR)
- Having those independent people in the room was helpful
- Generally polite conversation
- Lots more transparency from SCC and Amey
- Some trust built
- But they were just talks. They were **not** negotiations.
- SCC had a proposal on Day 1 of the talks, and the numbers hadn't changed by the end of the talks
- It was clear that this proposal was not going to change, no matter what arguments we gave or evidence we talked about
- So the talks mainly focused on:
  - Our questions and gaining clarity of understanding
  - Ensuring our requests for a proper Street Tree Strategy and Independent Enquiry were firmly raised, reasons for requesting them were understood, and what exactly we meant by them

Things we learned

- That the 14 free engineering solutions are and have always been free……
- ……but that an important caveat was never mentioned. They will only be used if it is value for money to do so. And for many of those solutions, it rarely is

- That one of the main purposes of the 25 year contract is to achieve a lower annual maintenance cost post-2037 than was the case pre-2012:
  - LED street lights
  - Smaller “more suitable” trees being planted
  - All trees that are (or they predict will) cause damage to roads, removed

- The contract obligation to fell 17,500 street trees has almost certainly been relaxed, with Amey having been granted a “relief” to prevent it having a perverse incentive to achieve it. (I have visually seen a central government email confirming this)

- That straight kerb lines were one of the two main root causes of the problem – *“no deviation in any place exceeding 50mm in any 1 metre length, or which detracts from the visual appearance of the project network part.”*

Things we learned (continued)

- That tribal politics is the other main root cause. The contract can be changed, and indeed is being changed, to accommodate the SCC proposal. But SCC are unwilling to relax kerb specifications.

- SCC say this is because:
  - The Department for Transport (DfT) won't let them go any further; and
  - They believe in the contract specification as ensuring "high quality" roads

- But we know:
  - That DfT are fine with the STAG proposal for more kerb deviations to save trees, so long as Amey pays;
  - A canopied avenue with curved kerb lines is higher quality than lollypop saplings in rigid straight kerb lines
  - A significant faction in the ruling Labour Group refuse to allow Lewis and Julie to compromise further

The specifics of the Council proposal

- 305 threatened trees remain from the Core Investment Period, that should have been felled by 31st December 2017
  - 83 have been retained indefinitely
  - 49 more are probably going to be retained indefinitely, subject to detailed inspection/excavation
  - 113 will be retained temporarily, for up to ten years (Phased Felling)
  - 60 will be felled in 2019

- For the 156 trees in the SNET area of Nether Edge and Carter Knowle the numbers are:
  - 17 have been retained indefinitely
  - 27 more are probably going to be retained indefinitely, subject to detailed inspection/excavation
  - 72 will be retained temporarily, for up to ten years (Phased Felling)
  - 40 will be felled in 2019

The Street Tree Strategy review

- One currently exists – written by Amey and updated every year

- One of our key goals from the talks was to ensure that SCC put in place a proper strategy, an exemplary one, that
  - Assigned asset values to street trees;
  - Used proper risk assessment and cost benefit analysis to influence decisions on whether to retain damaging trees;
  - Thought properly about species type, taking into account biodiversity, canopy cover, and resilience to emerging pests and diseases
  - Considered how to increase street tree numbers and canopy cover, above the current 36,000

- SCC has agreed to an independently chaired review in the first six months of 2019, with STAG and other expert stakeholders inputting into this review

- But the key to it being a success, is whether it is either:
  a) Just another strategy paper, filled with good words and nice intentions, but filed on the shelf, never to be read again; or
  b) A detailed strategy and delivery plan, used properly to drive and influence decisions

The (lack of) an Independent Enquiry

- Another of our key goals from the talks was to get SCC to agree to establish some sort of Enquiry or Review
- We never really believed they'd agree to a full blown Independent Enquiry, with all the legal connotations that holds
- But we had hoped that they'd agree to some sort of Independent Review or Lessons Learned exercise
- Given the shocking decision making, spiralling lies, and open conflict between the Council and its own citizens, both on the streets and in the courts, any self respecting organisation should be reflecting on how to ensure such events are never repeated
- But SCC refused. Even when we suggested that the review might not need to focus on named individuals.
- It is clear that SCC believe they have a lot to lose from the true truth coming out

Other things

- We did get a chance to talk about some of the “peripheral” issues that are still important to us all

- The poor saplings
  - Amey are open to us influencing their approach to planting saplings
  - They are happy with us influencing species selection, within reason
  - They have listened to some of our criticism about sapling care, have begun to use weed suppression mats, and are talking about establishing a volunteer local street tree wardens

- More than 36,000 street trees
  - It was clear that SCC were simply not in the mindset to increase the street tree stock, and had never even thought about it before.
  - More trees = more maintenance costs
  - But throughout the talks, their attitude softened slightly
  - A mechanism to allow this may well form part of the street tree strategy

The upcoming independent inspections

- Likely to begin in the week commencing 14th January, and continuing for around five weeks
- All 49 of the “likely to be retained indefinitely” trees will be investigated thoroughly, often with excavation
- Some of the 60 trees due to be felled in 2019 will also have further investigations carried out, following initial negotiating team and independent highways engineer comments
- The process will be done collaboratively between Amey, local tree groups, and independent highways engineers employed by STAG
- Local residents will be welcome to observe from a safe distance, to see transparently what is going on
- The process is anticipated to save many more trees, so we don’t want to upset Amey workers during the process. Indeed, the intent is that the solutions to save these trees will be implemented there and then, on the day
- Yes we need to turn up in numbers that show we still care, and yes we need to take our own photos as evidence. But we don’t want to be in any way threatening or block this process

So…., the main remaining issue

- Strict straight unbroken kerb lines
- Other Council's do it
- It's perfectly legal under the Highways Act
- DfT will allow it, if Amey pay
- Amey will pay and implement it, if SCC allow it
- SCC already allow it
- Tribal politics is the only thing stopping the issue from being fully resolved

A summary and a prediction

- Clearly the SCC proposal goes nowhere near the 83% to 93% I believe can be retained.
- It’s currently only 43%
- This may creep up during the independent inspection process
- It buys time for the phased trees. Who knows what the situation will be in a few years time? (Politically, economically, environmentally, contractually)
- We need to hold our noses, work through this inspection process and see what comes out of it
- But I suspect we’ll reach the end of February, still in disagreement about most of the 60 trees to be felled in 2019
- They will still be being felled because of the strict straight kerb specification alone.
- SCC and Amey will be faced again with the choice of returning to conflict on the street – we have already warned them about this
- Will they step away from the precipice?
- March 2019 will be a key month. Clear your diaries and get preparing now

What we need you to do

- Immediately
  - Express your anger and concern about the strict straight kerb policy to all you can. MPs, Councillors, Julie Dore, Lewis Dagnall – **bombard them with emails**
  - Keep the pressure on Amey – complain about every single issue you see to http://srha.site
  - Keep the pressure on SCC politically, through the No Stump City, Amey Out and It's Our City initiatives
  - Join the crowds at the inspections – The more the better. 30+ each day will show Amey that we're as powerful as we ever were

- Over the next three months:
  - Read the new injunction terms
  - Note that the rules about encouraging others to breach it are much stricter now
  - Note that it applies to the road the tree is on, not the surrounding streets
  - Note that not a single one of the masked bunnies has yet been taken to court (or had their identification confirmed)
  - Keep raising money – we may need it for any future arrests

Questions???

And finally, Thornsett Road

- At least four trees, and potentially more, have been confirmed as having a serious Phytophora Cactorum infection
- We knew of three of these having disease already, we just didn't know what – these are included in the 60 trees to be felled in 2019
- This is a really serious and highly infectious disease of mainly Lime trees
- It is spread mainly via water, usually by waterlogged soil
- The trees absolutely need feeling asap. The only thing holding Amey back is that they are waiting for sanitation advice from the Forestry Commission about the safest way to fell and dispose of the tree to minimise onward infection
- We cannot let the disease spread to other roads